

III. REMARKS

1. Claims 17-32, 34-38, and 40-56 remain in the application. Claims 33 and 39 were previously cancelled without prejudice. Claims 17, 24, 45, and 52 have been amended.

2. Claims 17-32, 34-38, 40-47, and 49-56 are patentable over the combination of Takahara et al. (US 5,381,158, "Takahara") and Kojima et al. (US 6,236,398, "Kojima") under 35 USC 103(a).

The combination of Takahara and Kojima fails to disclose or suggest:

allowing the user to do a first movement of a member of the body to a position corresponding to an alternative the user desires, and recognizing a second movement of a member of the body done by the user in the position corresponding to the alternative the user desires,

wherein said positions are sectors on an arcuate area surrounding the user and separated by separating areas arranged to reduce selection errors, and

wherein said first movement comprises moving the member of the body to a certain sector on said arcuate area between two of the separating areas,

as substantially recited by claims 17, 24, 45, and 52.

Takahara is directed to an information retrieval apparatus with a three dimensional display unit for displaying database indexes "in the sight of a user" (see, for example, column 2, line 57, column 3, lines 5 and 24. The Office Action mailed on 29 December 2006, correctly points out that Takahara fails to disclose or suggest that the alternatives surround the user and that the positions are sectors on an arcuate area and the first movement comprises moving the member of the body to a certain sector on the arcuate area.

Kojima discloses a media selecting device that includes a rotary disk knob and first and second change over buttons. A user selects icons by turning the knob and presses the first button to access the icon and may press the second button to cancel the selected icon.

In contrast, the present claims define the positions as sectors on an arcuate area surrounding the user and as being separated by separation areas arranged to reduce selection errors. At least a first movement of a body member includes moving the member of the body to a certain sector on said arcuate area between two of the separating areas,

Kojima has no disclosure related to moving a member of the body to a certain sector on an arcuate area surrounding the user. In Kojima, a user selects an icon by rotating a knob and pressing a button, and not by moving a member of the body to a certain sector on an arcuate area surrounding the user.

In addition, neither reference discloses that the position corresponding to an alternative the user desires is separated by separating areas arranged to reduce selection errors. A careful reading of both Takahara and Kojima fails to find this feature.

At least for these reasons, independent claims 17, 24, 45, and 52 and dependent claims 18-23, 25-32, 34-38, 40-44, 46, 47, 49-51, and 53-56 are patentable over the combination of Takahara and Kojima.

3. Applicants respectfully submit that claim 48 is patentable over the combination of Takahara, Kojima and Kumar et al. (US 6,624,833, "Kumar") under 35 USC 103(a).

Claim 48 depends from claim 45.

Kumar fails to disclose or suggest the features missing from the combination of Takahara and Kojima argued above. There is no disclosure in Kumar related to has no disclosure related to moving a member of the body to a certain sector on an arcuate area surrounding the user, and no disclosure related to the position corresponding to an

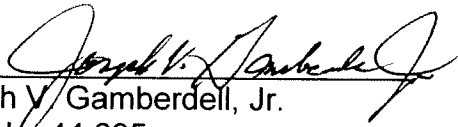
alternative the user desires being separated by separating areas arranged to reduce selection errors.

Therefore, the combination of Takahara, Kojima and Kumar fails to render claim 48 unpatentable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

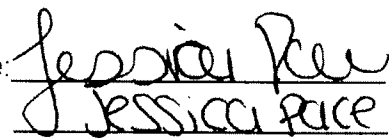

Joseph V. Gamberdell, Jr. 11 July 2007
Reg. No. 44,695 Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being transmitted electronically on the date indicated below and addressed to Mail Stop RCE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 7.11.2007

Signature: 
Jessica Rice
Person Making Deposit